

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

SEP 16 2019

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

AHMAD JAMALEDDIN ALJINDI,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants-Appellees.

No. 19-55926

D.C. No.

8:19-cv-01434-DOC-E

Central District of California,  
Santa Ana

ORDER

Before: WARDLAW, NGUYEN, and HURWITZ, Circuit Judges.

Upon a review of the record and the response to the court's August 19, 2019 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 2), *see* 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

All other pending motions are denied as moot.

**DISMISSED.**

# APPENDIX B

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DR. AHMAD J. ALJINDI,

CASE NUMBER

SA CV 19-01434-DOC(Ex)

PLAINTIFF(S)

v.

UNITED STATES OF AMERICA, et al.,

ORDER RE REQUEST TO PROCEED  
IN FORMA PAUPERIS

DEFENDANT(S)

IT IS ORDERED that the Request to Proceed *In Forma Pauperis* is hereby GRANTED.

Date

United States Magistrate Judge

IT IS RECOMMENDED that the Request to Proceed *In Forma Pauperis* be DENIED for the following reason(s):

☐ Inadequate showing of indigency

☐ District Court lacks jurisdiction

☒ Legally and/or factually patently frivolous

☐ Immunity as to

☒ Other: SEE ATTACHMENT.

Comments: SEE ATTACHMENT.

Date

United States Magistrate Judge

IT IS ORDERED that the Request to Proceed *In Forma Pauperis* is hereby:

☐ GRANTED

☒ DENIED (see comments above). IT IS FURTHER ORDERED that:

☐ Plaintiff SHALL PAY THE FILING FEES IN FULL within 30 days or this case will be dismissed.

☒ This case is hereby DISMISSED immediately.

☐ This case is hereby REMANDED to state court.

August 5, 2019

Date

*David O. Carter*

United States District Judge DAVID O. CARTER

**ATTACHMENT**

**NO. SA CV 19-1434-DOC (Ex)**

Plaintiff has submitted a forty-page proposed "Complaint for Employment Discrimination" against the United States of America, the Secretary of Defense, the Acting Secretary of the Department of Homeland Security, the United States Attorney General, the Acting Secretary of the Air Force, the Secretary of the Navy, the Secretary of Veterans Affairs, the Director of National Intelligence, the NASA Administrator and the Acting Administrator of the Small Business Administration. The confused, conclusory and rambling allegations of the proposed Complaint are difficult to decipher. However, it does appear that Plaintiff alleges he is an "AI scientist and researcher" whose intellectual property was stolen by the Department of Defense and whose many efforts to obtain federal employment have all been unsuccessful. Plaintiff allegedly has submitted "thousands" of employment applications to various federal agencies over the years. Plaintiff apparently attributes his lack of success in obtaining federal employment to supposed discrimination on the basis of race, religion and national origin, as well as to alleged retaliation.

The proposed Complaint contains a list of "violations"

including, among other things, alleged "abuse of authority," "mismanagement," "[f]raud, forgery and fabricating formal documents," "[s]pying on [Plaintiff] illegally," "[a]dministrative corruption," "[i]ntentional waste and improper usage of the federal funds," "[w]orking on increasing the destabilization over the nation [sic] and undermining the prestige of the nation and American values," "Practicing and spreading the fascism," "[i]ntentional increase of the sectarianism differences [sic] and the hate between the American people," "Working against the benefit of the national security and keeping the national security at risk as they are intentionally preventing the proven scientific knowledge illegally from serving the United States", and "[t]he highest treason to the oath, the Constitution, and the United States." Plaintiff seeks an order requiring him to be given "A GS-13 job, full-time, permanent position at the FBI, within Southern California (Orange County), As an: a) Intelligence Analyst (IA); or b) Management and Program Analyst; or c) Any related and/or identical researching and/or analyzing position based on the FBI's needs and as deemed appropriate by the Honorable Court. . . ." Plaintiff also appears to seek \$300,000 for every "EEO complaint" which Plaintiff allegedly filed with a federal agency, back-pay at a GS-13 pay grade from July 2016, relocation expenses, protection from reprisal, and

expungement of Plaintiff's "Eviction and Bankruptcy records."

The present proposed Complaint is substantially similar to a complaint filed by Plaintiff in this Court in Aljindi v. United States of America, SA CV 18-2301-SJO (JC). On January 8, 2019, the Court denied Plaintiff's request for leave to proceed in forma pauperis in the previous action, finding the proposed complaint in that action to be frivolous, unintelligible, delusional and "patently insufficient to state any rational, much less plausible, claim for relief." The present proposed Complaint is similarly infirm. See 28 U.S.C. § 1915; Denton v. Hernandez, 504 U.S. 25, 33 (1992); Neitzke v. Williams, 490 U.S. 319, 327-38 (1989). Under the circumstances, leave to amend would be futile.

# APPENDIX C

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

DEC 31 2019

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

AHMAD JAMALEDDIN ALJINDI,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants-Appellees.

No. 19-55926

D.C. No.

8:19-cv-01434-DOC-E

Central District of California,  
Santa Ana

ORDER

Before: WARDLAW, NGUYEN, and HURWITZ, Circuit Judges.

The motion for reconsideration en banc (Docket Entry No. 9) is denied on behalf of the court. *See* 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11. The motion for reconsideration (Docket Entry No. 10) and emergency motion (Docket Entry No. 14) are denied.

No further filings will be entertained in this closed case.



UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

JAN 08 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

AHMAD JAMALEDDIN ALJINDI,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA; et  
al.,

Defendants - Appellees.

No. 19-55926

D.C. No. 8:19-cv-01434-DOC-E  
U.S. District Court for Central  
California, Santa Ana

**MANDATE**

The judgment of this Court, entered September 16, 2019, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Rhonda Roberts  
Deputy Clerk  
Ninth Circuit Rule 27-7

# APPENDIX D

JS-6

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

DR. AHMAD J. ALJINDI,

CASE NUMBER

SA CV 20-00002-DOC(Ex)

PLAINTIFF(S)

v.

UNITED STATES OF AMERICA, et al.,

**ORDER RE REQUEST TO PROCEED  
IN FORMA PAUPERIS**

DEFENDANT(S)

**IT IS ORDERED** that the Request to Proceed *In Forma Pauperis* is hereby GRANTED.

Date

United States Magistrate Judge

**IT IS RECOMMENDED** that the Request to Proceed *In Forma Pauperis* be DENIED for the following reason(s):

- ☐ Inadequate showing of indigency  
☒ Legally and/or factually patently frivolous  
☒ Other: See Attachment.

- ☐ District Court lacks jurisdiction  
☐ Immunity as to \_\_\_\_\_

Comments: See Attachment.

Date

United States Magistrate Judge

**IT IS ORDERED** that the Request to Proceed *In Forma Pauperis* is hereby:

- ☐ GRANTED  
☒ DENIED (see comments above). IT IS FURTHER ORDERED that:  
☐ Plaintiff SHALL PAY THE FILING FEES IN FULL within 30 days or this case will be dismissed.  
☒ This case is hereby DISMISSED immediately.  
☐ This case is hereby REMANDED to state court.

January 24, 2020

David O. Carter

Date

United States District Judge

**ATTACHMENT**

**NO. SA CV 20-0002-DOC(Ex)**

Plaintiff has submitted a thirty-four-page proposed "Complaint for Employment Discrimination, Intellectual Property Violations and Negligence and Tort." Plaintiff purports to assert claims against the United States of America, the Secretary of Defense, the Acting Secretary of the "Department of Homeland Security, United States Customs and Border Protection," the United States Attorney General, the Secretary of the Air Force, the Acting Secretary of the Navy, the Secretary of Veterans Affairs, the Acting Director of National Intelligence, the NASA Administrator, the Acting Administrator of the Small Business Administration and the Postmaster General.

The proposed Complaint is confused and conclusory. Plaintiff alleges he is an "Artificial Intelligence (AI) researcher" whose intellectual property purportedly was stolen by the Department of Defense and whose many efforts to obtain federal employment assertedly have all been unsuccessful (Proposed Complaint, pp. 3-4). Plaintiff alleges that, despite Plaintiff's "thousands" of job applications, hiring officials assertedly chose less qualified candidates (id., pp. 12, 16).

Plaintiff attributes his lack of success in obtaining federal employment to supposed discrimination on the basis of race, religion and national origin, as well as to alleged retaliation (id., pp. 3, 7, 16-23). Plaintiff allegedly "has suffered massively and is still currently suffering massively to death from the ongoing negligence and tort" (id., p. 5). The proposed Complaint contains few facts supporting these assertions, for the most part providing merely a list of a large number of "EEO" complaints Plaintiff assertedly has filed over the years.

Plaintiff alleges that Defendants' actions prevented Plaintiff "from securing himself a stable job based on his formal qualifications and skills fairly and equally as set forth by the United States Constitution such as ongoing sever [sic] poverty, divorce, evictions, bankruptcy, homelessness, stress, discomfort and extreme emotional pain" (id., p. 25). Plaintiff further alleges Defendants caused injuries to Plaintiff's character, reputation and credit standing (id.). Plaintiff allegedly is unable to eat more than once a day due to Defendants' alleged wrongdoing (id.).

Plaintiff alleges Defendants violated various federal statutes including the "No Fear Act," Title VII of the Civil

Rights Act of 1964, the Civil Service Reform Act of 1972 and the Whistleblower Protection Act of 1989 (id., pp. 23-24). Plaintiff also appears to alleged unspecified constitutional claims (id.).

Plaintiff seeks \$300,000 for "every single EEO complaint" which Plaintiff allegedly filed with a federal agency, in the total sum of \$32.7 million (id., p. 32). Plaintiff also seeks "Maximum monetary Constitutional compensations for the negligence, tort, and intellectual property and copyrights laws [sic] violations as formally documented and as deemed appropriate by the Honorable Court" (id.). Plaintiff also seeks an order expunging or sealing "the two evictions and the bankruptcy of the aggrieved Plaintiff's public records. . . ." (id., p. 33).

The present proposed Complaint is substantially similar to two complaints previously submitted by Plaintiff to this Court: (1) Aljindi v. United States of America, SA CV 18-2301-SJO (JC), filed December 28, 2018; and (2) Aljindi v. United States of America, SA CA 19-1434-DOC (E), filed July 25, 2019. On January 8, 2019, the Court in Aljindi v. United States of America, SA CV 18-2301-SJO (JC), denied Plaintiff's request for leave to proceed in forma pauperis, finding the proposed complaint in that action to be frivolous, unintelligible, delusional and "patently

insufficient to state any rational, much less plausible, claim for relief." On August 5, 2019, the Court in Aljindi v. United States of America, SA CA 19-1434-DOC (E), denied Plaintiff's request to proceed in forma pauperis, finding the proposed complaint in that action to be similarly infirm.

Plaintiff appealed the Court's order in Aljindi v. United States of America, SA CA 19-1434-DOC (E). On September 16, 2019, the United States Court of Appeals for the Ninth Circuit denied Plaintiff's motion to proceed in forma pauperis on appeal on the ground that the appeal was frivolous. On December 31, 2019, the Ninth Circuit denied Plaintiff's motion for reconsideration.<sup>1</sup> The Ninth Circuit's mandate issued on January 8, 2020. The proposed Complaint contains allegations that the Ninth Circuit's decision was "based on a serious Court error while [Plaintiff] was suffering to death. . . ." (Proposed Complaint, p. 5). Plaintiff alleges that he read the Ninth Circuit's order while Plaintiff was in a hospital emergency room, assertedly due to severe chest and heart pain purportedly caused by the Defendants' alleged wrongdoing (id., p. 6).

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<sup>1</sup> Plaintiff signed the proposed Complaint in the present action on January 2, 2020.

The present proposed Complaint is infirm for the reasons stated in the Court's orders denying Plaintiff's requests to proceed in forma pauperis in Aljindi v. United States of America, SA CV 18-2301-SJO (JC), and Aljindi v. United States of America, SA CA 19-1434-DOC (E). See 28 U.S.C. § 1915; Denton v. Hernandez, 504 U.S. 25, 33 (1992); Neitzke v. Williams, 490 U.S. 319, 327-38 (1989). Under the circumstances, leave to amend would be futile.

Plaintiff's "Motion for Leave to File Under Seal," "Motion Requesting Appointment of Counsel" and "Written Application for Emergency Relief Under Local Rule 77-1" are denied.



# APPENDIX E

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DR. AHMAD J. ALJINDI,  
Plaintiff,

v.

UNITED STATES OF AMERICA,  
et al.,  
Defendants.

Case No. SACV 18-2301 SJO(JC)

ORDER (1) DENYING MOTION FOR  
LEAVE TO FILE UNDER SEAL  
(DOCKET NO. 2) AND UNSEALING  
CASE; (2) DENYING MOTION FOR  
APPOINTMENT OF COUNSEL  
(DOCKET NO. 3); (3) DENYING  
REQUEST TO PROCEED IN FORMA  
PAUPERIS (DOCKET NO. 6) AND  
DISMISSING ACTION WITHOUT  
PREJUDICE; AND (4) DENYING  
APPLICATION FOR ELECTRONIC  
FILING (DOCKET NO. 5)

On December 28, 2018, plaintiff Dr. Ahmad J. Aljindi, who is at liberty and is proceeding *pro se*, filed a document entitled "Complaint for Employment Discrimination" ("Complaint") naming as defendants the United States of America, and multiple federal officials in their official capacities. Plaintiff concurrently filed a Motion for Leave to File under Seal ("Motion to Seal"), a Motion for Appointment of Counsel ("Motion for Counsel"), a Request to Proceed in Forma Pauperis ("IFP Request"), and an Application for Permission for Electronic Filing ("Application for Electronic Filing"). The case is currently under seal.

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## 1 IT IS HEREBY ORDERED:

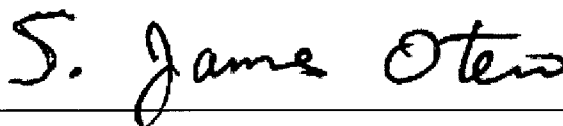
2 1. The Motion to Seal is DENIED, and the case is ORDERED unsealed.  
3 Plaintiff has neither identified a statute, rule, regulation, or prior court order which  
4 expressly provides for filing the instant action under seal, nor submitted a  
5 declaration which establishes good cause or demonstrates any other compelling  
6 reason why the strong presumption of public access in civil cases should be  
7 overcome in the instant case. See Local Rule 79-5.2.1(a).

8 2. The Motion for Counsel is DENIED. There is no constitutional right  
9 to appointed counsel in a civil case. See Storseth v. Spellman, 654 F.2d 1349,  
10 1353 (9th Cir. 1981). Pursuant to 28 U.S.C. § 1915(e), the Court has discretionary  
11 power to request an attorney to represent a party who is unable to afford counsel.  
12 However, if plaintiff is seeking an order for an attorney to represent plaintiff  
13 without compensation, 28 U.S.C. § 1915(e) does not authorize federal courts to  
14 make coercive appointments of counsel. See Mallard v. U.S. Dist. Court for  
15 Southern Dist. of Iowa, 490 U.S. 296, 310 (1989); United States v. 30.64 Acres of  
16 Land, 795 F.2d 796, 801 (9th Cir. 1986). If plaintiff is seeking funds from the  
17 Court to pay counsel, “[t]he Supreme Court has declared that ‘the expenditure of  
18 public funds [on behalf of an indigent litigant] is proper only when authorized by  
19 Congress. . . .’” Tedder v. Odel, 890 F.2d 210, 211 (9th Cir. 1989), citing United  
20 States v. MacCollom, 426 U.S. 317, 321 (1976). Congress has not provided funds  
21 to pay counsel secured under 28 U.S.C. § 1915(e). See 30.64 Acres of Land, 795  
22 F.2d at 801. Hence, the Court treats plaintiff’s Motion for Counsel as a request for  
23 the Court to request an attorney to represent plaintiff without compensation. After  
24 an evaluation of both “‘the likelihood of success on the merits [and] the ability of  
25 the [plaintiff] to articulate [his] claims *pro se* in light of the complexity of the legal  
26 issues involved,’” see Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986),  
27 the Court finds that the exceptional circumstances which are necessary to grant the  
28 Motion for Counsel do not appear to exist at this time.

1           3.     The IFP Request is DENIED and this action is dismissed without  
2 prejudice. The Complaint contains little more than confusing, and at times  
3 unintelligible, delusional, and/or fantastic, stream-of-consciousness rambling  
4 which is patently insufficient to state any rational, much less plausible, claim for  
5 relief. See generally Neitzke v. Williams, 490 U.S. 319, 325, 328 (1989) (In  
6 Forma Pauperis complaint frivolous if “so defective [] should never have been  
7 brought”), superseded by statute on other grounds as noted in Lopez v. Smith, 203  
8 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc); Denton v. Hernandez, 504 U.S. 25,  
9 32-33 (1992) (court may dismiss complaint as frivolous where allegations are  
10 “fanciful,” “fantastic,” “delusional,” “irrational or [] wholly incredible”),  
11 superseded in part by statute on other grounds as noted in Walp v. Scott, 115 F.3d  
12 308, 309 (5th Cir. 1997); In re Thomas, 508 F.3d 1225, 1226-27 (9th Cir. 2007)  
13 (court may dismiss in forma pauperis action as frivolous when complaint recites  
14 “bare legal conclusions with no suggestion of supporting facts or postulat[es]  
15 events and circumstances of a wholly fanciful kind”) (citations and internal  
16 quotation marks omitted), cert. denied, 552 U.S. 1261 (2008); Jackson v. State of  
17 Arizona, 885 F.2d 639, 641 (9th Cir. 1989) (finding “totally incomprehensible”  
18 claim frivolous), superseded by statute on other grounds as stated in Lopez, 203  
19 F.3d at 1130; see, e.g., Fallon v. United States Government, 2007 WL 80795, \*1  
20 (N.D. Cal. 2007) (denying IFP request and dismissing action as frivolous where  
21 complaints were “unintelligible and appear[ed] to be grounded on fantastic or  
22 delusional scenarios”); cf. McHenry v. Renne, 84 F.3d 1172, 1178 (9th Cir. 1996)  
23 (complaint subject to dismissal if cannot sufficiently determine “who is being sued,  
24 for what relief, and on what theory”).

25           4.     In light of the foregoing, the Application for Electronic Filing is moot,  
26 and is therefore DENIED.

27 DATED: January 8, 2019



HONORABLE S. JAMES OTERO  
UNITED STATES DISTRICT JUDGE